

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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MAGALIE CASTEL,

Plaintiff,

-against-

ANDREW SAUL,  
Commissioner of Social Security,  
Defendant.

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19 **CIVIL** 5180 (PAE) (DCF)

**JUDGMENT**

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons set forth in the Court's Opinion and Order dated September 28, 2020, the September 1, 2020 Report and Recommendation of the Honorable Debra C. Freeman, United States Magistrate Judge, is adopted without modification. Ms. Castel's motion for judgment on the pleadings is granted and the Commissioner's cross-motion for judgment on the pleadings is denied, and this case is remanded.

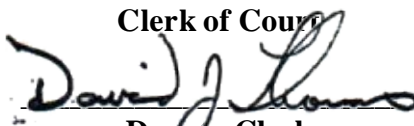
Upon remand, the ALJ is directed:

- (1) to develop the Record by soliciting a medical source statement, including a functional assessment, from Dr. Herivaux or another mental health provider who treated Plaintiff during the relevant period, or – should efforts to obtain such an assessment prove unfruitful – to obtain an updated consultative examination of Plaintiff;
- (2) upon further development of the Record, to reevaluate the entirety of the evidence of Plaintiff's psychiatric impairments (particularly with respect to concentration, persistence, and pace, and the frequency with which Plaintiff would likely be absent from work or off-task during a workday), and to reassess Plaintiff's RFC accordingly, without relying on his own lay opinion regarding Plaintiff's functional abilities; and
- (3) in reassessing Plaintiff's RFC, to consider not only the medical evidence, but also Plaintiff's subjective complaints regarding her mental impairments.

Accordingly, this case is closed.

**Dated:** New York, New York  
September 29, 2020

**RUBY J. KRAJICK**

BY:   
Clerk of Court  
Deputy Clerk